

62-21775-3089

EC-14

June 27, 1972

BY LIAISON

EX 101

Honorable Robert McClory
House of Representatives
Washington, D. C.

Dear Congressman McClory:

I feel complimented by your letter of June 19th in which you requested my views regarding H.R. 15430 to amend Federal law to provide for the systematic registration of handguns. I have some firm views on the matter of gun control which I believe is basically a problem to be handled on the state or local level. There are, however, areas in which the Federal Government can assist, such as in matters involving interstate commerce in firearms, Federal crimes committed with guns, and other crimes which Congress has specified that the FBI should investigate.

While it is not within the province of the FBI to prepare or recommend any specific gun control legislation, I certainly favor effective regulatory measures directed toward keeping firearms, particularly handguns, out of improper and irresponsible hands. Such measures perhaps can best be initiated and enforced by state and local governments. I believe it is imperative that gun control be approached calmly and deliberately, keeping in mind the interest in the ownership of firearms by those who pose no criminal threat to society.

It is my understanding that a representative of the Department of Justice will testify this week before the House Judiciary Subcommittee Number 5 concerning gun control legislation. He will speak for the entire Department of Justice, including the FBI.

With kind regards and warm respect,

Sincerely yours,

L. Patrick Gray, III
Acting Director

1 - Mr. Dalbey (Detached)
1 - Administrative Review Unit - Enclosures (2) (detached)
GEM:nb (6)
SEE NOTE PAGE TWO

MAIL ROOM

TELETYPE

Felt _____
Mohr _____
Rosen _____
Bates _____
Bishop _____
Callahan _____
Campbell _____
Casper _____
Cleveland _____
Conrad _____
Dalbey _____
Marshall _____
Miller, E.S. _____
Ponder _____
Soyars _____
Walters _____
Tele. Room _____
Mr. Kinley _____
Mr. Armstrong _____
Ms. Herwig _____
Mrs. Neenan _____

Honorable Robert McClory

NOTE: Reply coordinated with the Office of Legal Counsel and the Administrative Review Unit. Inspector David W. Bowers has determined from Mr. Hugh M. Durham, Chief, Legislative and Legal Section, Office of the Deputy Attorney General, that the Administration will continue to oppose Federal licensing and Federal gun registration. The Administration desires to prolong the status quo as it relates to the control of firearms. Congressman McClory indicates a hearing has been set for June 28th; however, the Department advised this morning that a representative of the Department will testify on June 29th before the House Judiciary Subcommittee Number 5. The Department representative will testify briefly on enforcement in tandem with a representative of the Treasury Department who will be the principal spokesman for the Administration. Mr. Durham indicated that the Administration is not in favor of Federal control, but rather desires state and local controls. Above reply is in keeping with Mr. Gray's position as expressed in the draft for an article to appear in the July, 1972, issue of "Nation's Business" and a forthcoming article to appear in "U. S. News and World Report." Bureau has good relations with Congressman McClory.

ROBERT McCLORY
12TH DISTRICT, ILLINOIS

JUDICIARY COMMITTEE

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SUBMERGED LANDS

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(202) 225-8221

DISTRICT OFFICE:
POST OFFICE BUILDING
326 NORTH GENESEE STREET
WAUKEGAN, ILLINOIS 60085
(312) 336-4554

Congress of the United States
House of Representatives
Washington, D.C. 20515

June 19, 1972

Mr. Felt _____
Mr. Campbell _____
Mr. Rosen _____
Mr. Mohr _____
Mr. Bishop _____
Mr. Miller, ES _____
Mr. Callahan _____
Mr. Casper _____
Mr. Conrad _____
Mr. Dalbey _____
Mr. Cleveland _____
Mr. Ponder _____
Mr. Bates _____
Mr. Waikart _____
Mr. Walters _____
Mr. Soyars _____
Tele. Room _____

L. Patrick Gray, III, Esq.
Director
Federal Bureau of Investigation
Washington, D. C. 20530

Dear Director Gray:

I would certainly appreciate your comments on the enclosed measure, H.R. 15430, relating to Federal registration of handguns. This is similar to an amendment which I offered in 1968, and which had the support of the Federal Bureau of Investigation at that time. I am not so optimistic as to believe that the Congress will provide similar Federal controls with regard to all firearms. However, I believe that strong support for handgun legislation might be possible at this session. X

Your comments on this legislation would be greatly appreciated and most helpful.

Sincerely yours,

Robert McClory
Member of Congress

EX 101-142

RMCC:fk

Enc.

(A hearing is set before the House Judiciary Subcommittee #5
next Wednesday June 28th.)

ENCLOSURE

ENCLOSURE ATTACHED

Let to Mr. McClory
6/23/72
#35
EXP. PROC.
JUN 21 1972

A hearing is set before the 3089
House Judiciary Subcommittee #5
next Wednesday June 28th
REC-14
21775
16 JUN 29 1972

211
WNT



62-21775-3089
ENCLOSURE

CORRESPONDENCE

92^d CONGRESS
2^d SESSION

H. R. 15430

IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 1972

Mr. McCLORY introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend chapter 44 of title 18 of the United States Code to provide for the systematic registration of handguns.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That chapter 44 of title 18 of the United States Code is
4 amended by redesignating sections 926 through 928 as 934
5 through 936, respectively, and by inserting immediately
6 after section 925 the following new sections:

7 “§ 926. Registration

8 “(a) Except as provided in section 933 (e) of this
9 title, it is unlawful for a person knowingly to possess in
10 interstate commerce or affecting such commerce a handgun

1 not registered in accordance with the provisions of this sec-
2 tion. This subsection shall not apply with respect to—

3 “(1) a handgun, previously unregistered, if such
4 handgun is held by a licensed dealer for purposes of
5 sale if records of such handguns are kept as may be
6 required by the Secretary;

7 “(2) a handgun possessed by a person on the ef-
8 fective date of this Act and continuously by such per-
9 son thereafter for a period not to exceed one hundred
10 and eighty days;

11 “(3) a handgun, previously unregistered, possessed
12 by (A) the United States or any department or agency
13 thereof, or (B) any State or political subdivision thereof.

14 “(b) (1) A licensed dealer who sells a handgun to a
15 person in whose possession the handgun must be registered
16 shall require from the purchaser a completed application for
17 the registration of the handgun and shall file the application
18 with the Secretary at the time of sale.

19 “(2) When a person other than a licensed dealer sells
20 a handgun, the purchaser shall file an application for its
21 registration with the Secretary prior to receipt of the
22 handgun.

23 “(3) A person who possesses a handgun on the effec-
24 tive date of this Act shall, unless he sooner sells the hand-

1 gun, file an application for registration of the handgun with
2 the Secretary within one hundred and eighty days.

3 “(c) An application for registration of a handgun shall
4 be in a form to be prescribed by the Secretary, which shall
5 include at least the following:

6 “(1) the name, address, date and place of birth,
7 and social security or taxpayer identification number
8 of the applicant;

9 “(2) the name of the manufacturer, the caliber or
10 gauge, the model and the type, and the serial number
11 of the handgun; and

12 “(3) the date, the place, and the name and address
13 of the person from whom the handgun was obtained, the
14 number of such person's certificate of registration of
15 such handgun, if any, and, if such person is a licensed
16 dealer, his license number.

17 “(d) An application for registration of a handgun shall
18 be in duplicate. The original application shall be signed by
19 the applicant and filed with the Secretary, together with a
20 fee of \$1, either in person or by certified mail, return receipt
21 requested, in such place as the Secretary by regulation may
22 provide. The duplicate shall be retained by the applicant as
23 temporary evidence of registration. The Secretary, after
24 receipt of a duly filed completed application for registration,

1 shall send to the applicant a numbered certificate of registra-
2 tion identifying such person as the registered owner of such
3 handgun.

4 “(e) Registration of a handgun shall expire upon any
5 change of the registrant's name or residence unless the
6 registrant shall notify the Secretary within thirty days of
7 such change.

8 “(f) It is unlawful for a person to carry a handgun
9 required to be registered by this chapter without having with
10 him a certificate of registration, or if such certificate has not
11 been received, temporary evidence of registration, or to
12 refuse to exhibit such certificate or temporary evidence upon
13 demand of a law enforcement officer.

14 “(g) As used in this section and in sections 927 through
15 933, the term ‘handgun’ means any firearm except a rifle or
16 shotgun.

17 **“§ 927. Sales of handguns and ammunition**

18 “(a) A registrant of a handgun who sells such handgun
19 shall, within five days of the sale, return to the Secretary
20 his certificate of registration, noting on it the name and
21 residence address of the transferee, and the date of delivery.

22 “(b) Whoever acquires a handgun required to be regis-
23 tered under this chapter shall require the seller to exhibit a
24 certificate of registration, and shall note the number of the
25 certificate on his application for registration.

1 “(c) A licensed dealer shall not take or receive a hand-
2 gun required to be registered under this chapter by way of
3 pledge or pawn without also taking and retaining during the
4 term of such pledge or pawn the certification of registration.
5 If such pledge or pawn is not redeemed the dealer shall return
6 the certificate of registration to the Secretary and register
7 such handgun in his own name.

8 “(d) The executor or administrator of an estate contain-
9 ing a handgun registered under this chapter shall promptly
10 notify the Secretary of the death of the registrant and shall,
11 at the time of any transfer of such handgun, return the certifi-
12 cate of registration to the Secretary as provided in subsection
13 (a). The executor or administrator of an estate containing
14 a handgun required to be registered under this chapter shall
15 promptly register such handgun, without penalty for any
16 prior failure to register it.

17 “(e) Whoever possesses a handgun required to be regis-
18 tered under this chapter shall within ten days notify the
19 Secretary of a loss, theft, or destruction of such handgun,
20 and if, after such notice, such handgun is recovered, shall
21 notify the Secretary of the recovery.

22 “(f) A licensed dealer shall not sell ammunition to a
23 person for use in a handgun required to be registered under
24 this chapter without requiring the purchaser to exhibit a

1 certificate of registration or temporary evidence of registra-
2 tion of a firearm which uses such ammunition, and noting
3 the certificate number or date of the temporary evidence of
4 registration on the records required to be maintained by
5 the dealer pursuant to section 923 (d) of this title.

6 **“§ 928. Penalties**

7 “(a) Whoever violates a provision of section 926 or
8 section 927 shall be punished by imprisonment not to
9 exceed two years, or by a fine not to exceed \$2,000, or both.

10 “(b) Whoever knowingly falsifies any information re-
11 quired to be filed with the Secretary pursuant to this
12 chapter, or forges or alters any certificate of registration or
13 temporary evidence of registration, shall be punished by
14 imprisonment not to exceed five years or a fine not to exceed
15 \$10,000, or both.

16 “(c) Except as provided in subsection (b), no informa-
17 tion or evidence obtained from an application or certificate
18 of registration required to be submitted or retained by a
19 natural person in order to comply with any provision of this
20 chapter or regulations issued by the Secretary shall be used
21 as evidence against that person in a criminal proceeding
22 with respect to a violation of law occurring prior to or
23 concurrently with the filing of the application for registra-
24 tion containing the information or evidence.

1 **"§ 929. Disposition of handguns to Secretary**

2 “(a) The Secretary is authorized to pay just compen-
3 sation for handguns voluntarily relinquished to him.

4 “(b) A person who lawfully possessed a handgun prior
5 to the operative effect of any provision of this title, and
6 who becomes ineligible to possess such handgun by virtue
7 of such provision, shall receive just compensation for the
8 handgun upon its surrender to the Secretary.

9 **"§ 930. Rules and regulations; periods of amnesty**

10 “The Secretary may prescribe such rules and regulations
11 as he deems reasonably necessary to carry out the provisions
12 of this chapter, including reasonable requirements for the
13 marking of handguns that do not have serial numbers, and
14 may declare periods of amnesty for the registration of hand-
15 guns.

16 **"§ 931. Disclosure of information**

17 “Information contained on any certificate of registration
18 or application therefor shall not be disclosed except to the
19 National Crime Information Center established by the Fed-
20 eral Bureau of Investigation, and to law enforcement officers
21 requiring such information in the performance of their official
22 duties.

23 **"§ 932. Assistance to Secretary**

24 “When requested by the Secretary, Federal departments

1 and agencies shall assist the Secretary in the administration
2 of this chapter.

3 **“§ 933. State permit systems**

4 “(a) The Secretary shall determine which States or
5 political subdivisions of States have enacted or adopted ade-
6 quate permit systems for the possession of handguns and
7 shall publish in the Federal Register the names of such States
8 and political subdivisions.

9 “(b) An adequate permit system shall include provision
10 for:

11 “(1) identification of the permit holder appearing on
12 the permit, including name, address, age, and signature
13 or photograph;

14 “(2) restrictions on issuance of a permit to a per-
15 son who is under indictment or who has been convicted
16 in any court of a crime punishable by imprisonment for
17 a term exceeding one year, or who is a fugitive from
18 justice;

19 “(3) restrictions on issuance of a permit to a person
20 who, by reason of age, mental condition, alcoholism, drug
21 addiction, or previous violations of firearms laws cannot
22 be relied upon to possess or use firearms safely and
23 responsibly;

24 “(4) means of investigation of applicants for per-
25 mits to determine their eligibility under subparagraphs

(2) and (3), including filing with the issuing agency
 a complete set of fingerprints and a recent photograph
 of the applicant; and

(5) prohibition of possession of handguns or am-
 munition by any person who has not been issued such
 a permit.

(c) After January 1, 1973, it shall be unlawful for any
 person to sell or otherwise transfer any handgun or ammuni-
 tion to any person (other than a licensed importer, licensed
 manufacturer, or licensed dealer) unless:

(1) the sale or transfer is not prohibited by any
 other provision of this chapter; and

(2) the purchaser or transferee exhibits a valid
 permit issued to him by a State or political subdivision
 having an adequate permit system, or the purchaser or
 transferee exhibits a valid Federal gun license issued in
 accordance with section 926 of this chapter.

(d) Determinations of adequate permit systems under
 this section shall not be subject to the provisions of chapter
 5, title 5, United States Code, but actions of the Secretary
 shall be reviewable de novo pursuant to chapter 7, title 5,
 United States Code, in an action instituted by any person,
 State, or political subdivision adversely affected.

(e) Whenever the Secretary has determined in accord-
 ance with this section that there exists in a State or po-

1. litical subdivision of a State, an adequate permit system for
 2. the possession of handguns, the provisions of sections 926
 3. through 930 of this chapter shall not apply to individuals
 4. covered by such permit system."

5. SEC. 2. The table of sections of chapter 44 of title 18 of
 6. the United States Code is amended by redesignating section
 7. headings relating to sections 926 through 928 as sections
 8. 934 through 936, respectively; and by inserting immedi-
 9. ately after the item relating to section 925 the following:

- "926. Registration.
- "927. Sales of handguns and ammunition.
- "928. Penalties.
- "929. Disposition of handguns to Secretary.
- "930. Rules and regulations; periods of amnesty.
- "931. Disclosure of information.
- "932. Assistance to Secretary.
- "933. State permit systems."

1972
92nd CONGRESS
2nd Session

H. R. 15430

A BILL

To amend chapter 44 of title 18 of the United States Code to provide for the systematic registration of handguns.

By Mr. McClORY

JUNE 12, 1972

Referred to the Committee on the Judiciary

62-21775-3089

1 - Steel
1 - Mr. Mullen
2 - Mr. Moschella
1 - Mr. [redacted]

b6
b7C

Financial Legislation

March 11, 1980

Attn: Cong.

Honorable Robert McClory
House of Representatives
Washington, D. C. 20515

FEDERAL GOVERNMENT

Dear Congressman McClory:

Your letter dated February 22, 1980, with accompanying proposed legislation regarding the Gun Control Act of 1968 was received on February 27, 1980. I understand that my staff has already been in contact with members of your staff for a detailed analysis of this legislation. This information will assist me in responding to you in the near future.

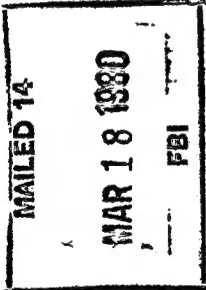
Sincerely yours,

William H. Webster

William H. Webster
Director

MAR 21 1980

KWT:cah (8)



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Exec AD Adm. _____
Exec AD LES _____
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Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

APPROVED:

Director W.H.W.
Exec. AD-Inv. _____
Exec. AD-Adm. _____
Exec. AD-LES _____

Adm. Serv. _____
Crim. Inv. _____
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MAIL ROOM ☒

g. J. [signature]